

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY DALE HINES,

Petitioner, No. CIV S-98-0784 GEB EFB DP

vs.

EDDIE YLST, Acting Warden, ORDER

Respondent. **DEATH PENALTY CASE**

Petitioner is a prisoner with counsel seeking a writ of habeas corpus. *See* 28 U.S.C.

§ 2254. On November 13, 2006, the district judge reversed the October 19, 2004, order denying petitioner's requests to expand the record and deemed withdrawn the November 15, 2005, findings and recommendations, which recommended summary judgment be entered against petitioner on all his penalty phase claims.<sup>1</sup> On May 22, 2007, the parties agreed that a status conference would be beneficial. The parties shall be prepared to discuss the following:

- 22 1. The procedural history and present posture of this case;
- 23 2. Whether the record should be expanded and, if so, the time necessary for doing so;
- 24 3. Whether petitioner anticipates filing a motion for an evidentiary hearing on any
- 25 penalty phase claims;

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<sup>1</sup> Both the October 19 order and the November 15 findings and recommendations were issued by a different magistrate judge.

1           4. Counsel for petitioner shall be prepared to discuss outstanding budgeting matters.

2           Accordingly, is hereby is ORDERED that:

3           1. The parties, through counsel, shall appear for a status conference before the  
4           undersigned on June 20, 2007, at 10:00 a.m. in Courtroom No. 25.

5           2. The parties shall submit separate status reports no later than seven court days before  
6           the status conference;

7           3. Following the proceedings in open court, the court will conduct an *ex parte* discussion  
8           with petitioner's counsel about budgeting matters only.

9           Dated: June 7, 2007.

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11           EDMUND F. BRENNAN  
12           UNITED STATES MAGISTRATE JUDGE